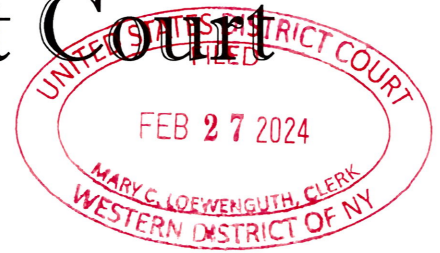


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 24-MJ-5053

Demont COSTON

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about September 12, 2023, to on or about September 14, 2023, in the Western District of New York, and elsewhere, the defendant, Demont COSTON, did knowingly and willfully, and for the purpose of issuing a threat and with knowledge that the communication would be viewed as a threat, transmit in interstate commerce between the State of New York and Washington, DC, communications, that is, emails, phone calls, and text messages, which contained threats to blow-up the United States Department of Veterans Affairs Medical Centers in Buffalo, New York and Washington, DC.

All in violation of Title 18, United States Code, Section 875(c).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

**WILLIAM
TOKASH JR**

Digitally signed by WILLIAM
TOKASH JR
Date: 2024.02.27 12:30:38
-05'00'

Complainant's signature

**WILLIAM TKASH
SPECIAL AGENT
VETERANS AFFAIRS – OIG**

Printed name and title

Sworn to and signed telephonically.

Date: February 27, 2024

Judge's signature

City and State: Buffalo, New York

**HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE**

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, WILLIAM TOKASH, being duly sworn, depose and say as follows:

1. I am a Special Agent with the Department of Veterans Affairs, Office of the Inspector General (VA OIG). I have been employed as a Special Agent with the United States Government for over 24 years and have been in law enforcement for over 29 years. In my current position at VA OIG, my duties include the investigation of various crimes, to include threats and assaults, and I have investigated and supervised assault investigations in previous Special Agent positions with the United States Government.

2. The VA Medical Center (VAMC), Buffalo, NY is within the territorial jurisdiction of the United States as land reserved for the use of the United States, pursuant to Title 18, United States Code, Section 7(3). VAMC Washington D.C. is within the territorial jurisdiction of the United States as land reserved for the use of the United States, pursuant to Title 18, United States Code, Section 7(3). The Veterans Crisis Line (VCL) is a free, 24/7, 1-800 number available for veterans in crisis operated by VA with trained crisis responders located at VA facilities across the United States such as Canandaigua, NY; Topeka, KS; and Atlanta, GA.

3. I make this affidavit in support of a criminal complaint charging DEMONT COSTON with transmitted via interstate commerce communications of threats against VA facilities, VAMC Buffalo, NY 14215 and VAMC Washington, D.C. 20422, in violation of Title 18, United States Code, Section 875(c).

4. The allegations contained in this affidavit are based upon information I learned during my investigation of this matter (including information contained on records that I reviewed), information provided to me by other law enforcement officers, statements made by witnesses, and my training and experience as a Special Agent. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included every fact known to me. Instead, I have included only those facts that I believe are necessary to establish probable cause to believe that DEMONT COSTON did violate Title 18, United States Code, Section 875(c).

5. DEMONT COSTON served in the U.S. Navy and received an Other Than Honorable (OTH) discharge. Due to the characterization of his discharge, OTH, COSTON is ineligible for VA benefits and services. COSTON has tried to obtain VA benefits and services but was denied due to the characterization of his military discharge and COSTON has been unsuccessful in his attempts to change the characterization of his discharge.

6. For the reasons set forth below, I believe there is probable cause to conclude that, on or about September 12, 2023 through on or about September 14, 2023, DEMONT COSTON did willfully violate Title 18, United States Code, Section 875(c), when COSTON

transmitted via interstate commerce communications of threats to blow up VAMC Buffalo and to blow up VAMC Washington D.C.

PROBABLE CAUSE

7. On September 12, 2023, Sergeant Bryant Smith (Sgt. Smith), VA Police Department (VAPD), VAMC Buffalo, reported to your affiant that on or about September 12, 2023, DEMONT COSTON called the Veterans Crisis Line (VCL) and made threats to blow up VA Medical Center (VAMC), Buffalo, NY 14215.

8. On September 13, 2023, Investigator Matthew Altonji (Inv. Altonji), VAPD, VAMC Buffalo, provided your affiant with summaries of DEMONT COSTON's VCL calls that detailed how COSTON made statements like "If I can not get any help from the VA, no one can" and "The VA won't be here anymore." COSTON also stated, "he finally found the person that he wants to kill, and he planned to kill him tomorrow." Inv. Altonji also stated Buffalo Police Department (BPD) attempted to conduct a welfare check of COSTON but was unable to locate him at the two addresses VA had on file. Inv. Altonji also attempted to contact COSTON via one telephone number in COSTON's VA records and via a second telephone number COSTON used to contact the VCL, both met with negative results.

9. On September 13, 2023, Inv. Altonji notified your affiant that the VCL spoke with DEMONT COSTON who said he was now located at a family member's house in Maryland.

10. On September 14, 2023, Inv. Altonji notified your affiant that DEMONT COSTON made a threat to blow up VAMC Washington D.C. to the VCL.

11. On September 14, 2023, your affiant received and reviewed four VCL Hotline Call Detail (HCD) documents that detailed DEMONT COSTON's threats to VA facilities on September 12, 2023, and on September 14, 2023. The first HCD documented that on September 12, 2023, COSTON stated to the VCL, "If I can't get any help from the VA, no one can" and "The VA won't be here anymore." The second HCD documented that on September 12, 2023, COSTON stated to the VCL that he does not care anymore, that he is tired of living and does not care if he dies, that as long as someone dies with him, he does not care, and mentioned the possibility of the hospital (VAMC Buffalo) not standing tomorrow. The third HCD documented that on September 12, 2023, VCL coordinated with BPD for a wellness check of COSTON. The fourth HCD documented that on September 14, 2023, COSTON made threats via text message to the VCL that VAMC Washington D.C. will be the first one that he blows up.

12. On September 14, 2023, SA Brian Maddox (SA Maddox), VA OIG, Washington, D.C., submitted an Exigent Request Form to T-Mobile for subscriber information, call detail records, and geolocation information for the telephone number DEMONT COSTON used to communicate his threats to the VCL. Your affiant and SA Maddox received numerous geolocation pings from T-Mobile that showed that on September 14, 2023, COSTON's phone was primarily located in Temple Hills, MD with several pings occurring in nearby MD locations. T-Mobile also provided your affiant and SA Maddox with

a Call Detail Report that showed on September 12, 2023, COSTON's phone was in Buffalo, NY when he made threats to blow up VAMC Buffalo to the VCL. The Call Detail Report also showed that on September 14, 2023, COSTON's phone was in Temple Hills, MD when he made threats to blow up VAMC Washington D.C. to the VCL.

13. On September 20, 2023, your affiant reviewed the audio recordings of DEMONT COSTON's calls with the VCL which documented that on September 12, 2023, COSTON stated to the VCL, "If I can't get help, can't nobody else get help. That's how I feel. The next VA around me, ain't gonna be the next VA around me no more. That's how I, that's exactly how I feel. Next place I go to get help to, that can't help me, it won't be there no more." On another call on September 12, 2023, COSTON stated to the VCL, "I don't care no more, I don't even care if I die," he fully identified himself by name, address, and last four of his social security number, he confirmed that he had thoughts of homicide, he stated, "That hospital won't be standing tomorrow," and stated, "As long as someone else dies with me, I don't care. That's how I feel now."

14. On October 17, 2023, your affiant reviewed two VCL Hotline Call Detail (HCD) documents that detailed on September 14, 2023, DEMONT COSTON stated via text message to the VCL, "The VA haven't done shit for me in 30 years, it's time to get rid of it, by any means necessary," when asked if there was something he needed assistance with COSTON responded, "Taking out all VA facilities, but I have 1 n mind first," COSTON also texted, "I'm in DC, near the main VA ha ha ha good, I know where to hit them," and when asked if he was threatening to act out at VAMC Washington D.C., COSTON responded with,

“No blow it up, nice texting with you bye.”

15. Based on the foregoing, I respectfully submit that there is probable cause to believe that, on or about September 12, 2023, through on or about September 14, 2023, DEMONT COSTON did willfully violate Title 18, United States Code, Section 875(c), when COSTON transmitted via interstate commerce communications of threats to blow up VAMC Buffalo and to blow up VAMC Washington D.C.

WILLIAM
TOKASH JR

Digitally signed by WILLIAM
TOKASH JR
Date: 2024.02.27 12:29:43
-05'00'

WILLIAM TOKASH
SPECIAL AGENT
VETERANS AFFAIRS – OIG

Sworn and subscribed telephonically

this 27th day of February 2024.


HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE